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1961 EUROPEAN SOCIAL CHARTER

38th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF DENMARK

Article 8, 16 and 17

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

38th report on the European Social Charter

**Submitted by
The Government of Denmark**

**Concerning articles 8, 16 and 17
for the period 01.01.2014 - 31.12.2017**

December 2018

In accordance with article 23 of the Charter, copies of this report have been communicated to:

The Confederation of Danish Employers (DA)

The Danish Confederation of Trade Unions (LO)

Confederation of Professionals in Denmark (FTF)

The Danish Confederation of Professional Associations (AC)

The Danish Institute for Human Rights (IMR)

Local Government Denmark (KL)

Agency for Modernisation - Ministry of Finance

Conclusions XX-4: Events of non-conformity for lack of information

**Article 8 – The right of employed women to
protection**

Article 8, Paragraph 1

The Committee asks whether a worker not receiving maternity benefits might still be entitled to employer compensation during maternity leave corresponding to at least 70 % of her base salary.

If an employee is employed with the right to salary during the leave (or part of the leave), the employer pays salary to the employee. If the employee meets the conditions for entitlement to maternity benefits, the employer receives the maternity benefits that the employee would be entitled to, but not more than the amount equal to the salary paid during the leave.

In Denmark, wages and working conditions are typically defined in collective agreements agreed upon by the trade unions and employers' organizations'. This means that the state does not play an active role in determining the wages and working conditions in Denmark. Therefore you will not find a minimum wage defined in the law. The wages and working conditions will be defined in each individual sector, and can also be agreed individually and stated in the employment contract. In some cases the employer's duty to pay wages during maternity leave is conditioned by the fact that the employee is entitled to maternity benefits.

In 2017 maternity benefit recipients received a wage from their employer on average 77 pct. of their time on maternity benefits.

The Committee asks for all relevant information which could clarify what categories of employees are not getting during maternity leave a compensation from either the employer or in terms of maternity benefits corresponding to at least 70 % of their base salary.

There is no statistical data available in regards to the amount of salary that employees are entitled to during the leave under the collective agreements or individual employment contracts. In some cases, the employees receive the full salary during the leave, while in other cases they receive partial salary.

Maternity benefits are calculated on the basis of the weekly hour during the leave and the hourly earnings that the employee has had in the last 3 months before the leave. There is no minimum amount of maternity benefits, but there is set a maximum amount of maternity benefits, which amounts to 576. EUR. weekly in 2018 for a person who works 37 hours a week and has an hourly wage of at least 15,6. EUR. per hour.

The Committee asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50 % of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

As mentioned above maternity benefits are calculated on the basis of the weekly hour during the leave and the hourly earnings that the employee has had in the last 3 months before the leave. There is no minimum amount of maternity benefits, but there is set a maximum amount of maternity benefits, which amounts to 15.6 EUR. per hour, 576. EUR. weekly in 2018.

Maternity benefits are calculated on the basis of previous income. This means, that an employee who has worked very few hours a month prior to maternity leave, or an employee with a low income could receive maternity benefits less than 50 pct. of the median income¹.

¹ Statistics Denmark's median equivalised disposable income is 221,437 DKK.

Article 16 – The right of the family to social, legal and economic protection

Article 16

The Committee concludes that the situation in Denmark is not in conformity with Article 16 of the 1961 Charter on the ground that the length of residence requirements for ordinary and special child allowances for nationals of States Parties are excessive. The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

“Equal treatment of foreign nationals and stateless persons with regard to family benefits”

According to Article 14 together with Article 1 in the first supplementary protocol of the European Convention on Human Rights, states are obligated not to discriminate persons in comparable situations in regards to receiving social benefits unless the discrimination is objectively reasoned and is proportional.

The right to child benefits and child subsidies are, among others, conditioned by at least one of the persons that has custody of the child must have had residence or employment in the Kingdom of Denmark for at least 6 years in the last 10 years prior to the period that the payment regards. The benefit is gradually earned every six months so that the right to the full benefit is obtained after six years of residence or employment in the Kingdom of Denmark. Refugees (foreigners) that have been granted a residence permit in Denmark according to paragraph 7 or 8 of the Aliens Act and foreigners that have been granted a humanitarian residence permit according to paragraph 9 b of the Aliens Act are also included in the accrued principle on equal terms with other persons that have had residence in a foreign country, including Danish citizens.

For persons that are included as part of the European Parliament and Councils Regulation (EC) No 883/2004 of the 29th of April 2004 on the coordination of social security system, the periods spent in other Member States, as part of the existing rules, should be included in the calculation of the accrued period as if it were periods spent in Denmark (principle of aggregation of periods).

Updated numbers for “Family Benefits” (gathered from the Ministry of Taxation),

Update from The Ministry of Taxation on the numbers in the Conclusions on Denmark’s report from the European Committee on Social Rights on “Family Benefits” on page 7. The average equivalent income in 2017 was 29,383 EUR according to Eurostat. This is about 2,449 EUR per month.

Of the 1st of July 2018 the benefit per month was:

0-2 years	1,502 DKR = 202 EUR = 8.2 pct.
3-6 years	1,189 DKR = 160 EUR = 6.5 pct.
7-14 years	936 DKR = 126 EUR = 5.1 pct.
15-17 years	936 DKR = 126 EUR = 5.1 pct.

The exchange rate used is from the Danish National Bank of the 1st of July 2018. 7.4525 DKR per EUR.

Article 17 – The right of mothers and children to social and economic protection

Article 17, Paragraph 5

The Committee concludes that the situation in Denmark is not in conformity with Article 17 of the 1961 Charter on the grounds that; minors can be subject to eight months of pre-trial detention and solitary confinement of minors can last four weeks.

The Committee has asked what assistance is given to asylum seekers who are unaccompanied minors in order to protect them against negligence, violence or exploitation according to Article 17 in the European Social Charter. In particular, the Committee has noted that there have been instances of unaccompanied minors who disappear before the final processing of their asylum case.

The Danish immigration authorities have taken measures to ensure the care of unaccompanied minors throughout the asylum system. These measures contain both procedural rules and rules regarding the care of unaccompanied minors.

When an asylum seeker claims to be an unaccompanied minor, his or her asylum application is prioritised by the asylum authorities. Consequently, their asylum application will be examined as soon as possible and dealt with by a separate team, specialised in working with unaccompanied minors. The unaccompanied minor will be accommodated in an accommodation centre only for unaccompanied minors. These centres have the expertise and staff to take care of the minors.

The Danish Immigration Service is responsible for accommodating the unaccompanied asylum seekers in a safe environment with the possibility to have a structured everyday life.

Furthermore, the operators of the accommodation centres are obliged to have a sufficient number of staff at the centres, which shall be professionally qualified to work with unaccompanied minors.

Special housing is offered to minors with special needs. This type of housing provides extra staff and the possibility of attending special needs.

The operators of the accommodation centres for unaccompanied minors make sure that the minors have access to medical care. Asylum seeking children have the same right and access to medical care as Danish children. The minors are assigned a primary and a secondary contact person at the centre. The asylum centre also makes sure that individual plans are made to ensure each asylum seeker's personal development.

Furthermore, the unaccompanied minor will be appointed a personal representative. The role of this representative is to maintain the best interest of the child. The representative has to guide and support the

minor through the relevant legal systems, and to make sure that the rights and welfare of the minor is upheld.

The personal representative is present when the unaccompanied minor attends interviews and has appointments with the Danish authorities. Thus, the personal representative helps the minor to understand the various processes and to make sure that everything happens in respect of the fact that an unaccompanied minor belongs to a special vulnerable group.

If it is suspected that the unaccompanied minor has been a victim of human trafficking, it is required that the personal representative have relevant experience or a relevant education related to this issue. In these situations the Danish Centre Against Human Trafficking is contacted.

The Danish Centre Against Human Trafficking offers victims of human trafficking different kind of assistance. Among other things, victims are offered legal aid and safe housing.

Minors have additional rights if they are victims of human trafficking. They are offered guidance and assistance through special educated staff such as psychological aid, health care and support from a social worker. It is also possible to help minors search for their families. If they are supposed to return to their home country, they will be offered special assistance in this matter. A plan of action will be made, this will be made in regard to the best interest of the child.

Finally, it should be noted that some asylum seekers who claim to be unaccompanied minors will undergo an age assessment. Experience shows that a huge part of the minors who disappear in the asylum system, do so before they have gone through an age assessment.

In 2017, the Danish Immigration Service made 412 decisions to change the age of asylum seekers who claimed to be unaccompanied minors, among these decision 289 asylum seekers were assessed to be adults.

**“Children, families, migrants”
Conclusions XXI-4 and changes occurred
since the last report**

**Article 8 – The right of employed women to
protection**

Article 8 paragraph 1 - The Right of employed women to protection

The Committee asks the next report to clarify whether a worker not receiving maternity benefits might still be entitled to employer compensation during maternity leave corresponding to at least 70% of her base salary and to provide all relevant information which would clarify what categories of employees (and what percentage they represent) are not getting during maternity leave a compensation (from the employer and/or in terms of maternity benefits) corresponding to at least 70% of their base salary.

Furthermore, with reference to its Statement of Interpretation on Article 8§1 (Conclusions XX-4 (2015)), the Committee asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equalized income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Reference is made to the 30th and the 34th reports.

As stated in the 34th Danish report, the Danish Government introduced a Maternity Equalisation Scheme for self-employed persons in January 2014.

Similarly to the existing equalisation scheme for private employers, the purpose of the new scheme was to strengthen the position of women in the labour market by providing additional compensation to all self-employed persons on maternity, paternity or parental leave. However, it became apparent immediately after the entry into force that the scheme was near impossible to target to genuinely self-employed persons due to the necessary link to the general taxation system. This meant that not only self-employed persons fell within the scope of the scheme, but also any person paying tax not deducted from income at source – regardless of whether they were self-employed or not. As a consequence, the scheme was abolished with effect from 1 April 2016.

**Article 16 – The right of the family to social, legal
and economic protection**

Article 16

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the contracting parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

This section provides an update on the area since the 37rd report.

Day-care services

Nationwide guaranteed day-care availability

Parents of children between the age of 26 weeks and school age (compulsory school age in Denmark is when the child turns 6 years old) are guaranteed a place in a day-care facility for their child irrespective of their attachment to the education system or the labour market. This is due to a nationwide guaranteed day-care availability. Each local council in the 98 municipalities in Denmark are obliged to approve and supervise both public and private day-care facilities.

Types of day-care and other care facilities

Reference is made to the twenty-fifth and thirty-fourth report regarding article 16 and the descriptions of the different types of day-care available in Denmark.

Parental payment

For children under school age, parents' share of the full cost for a place in a day-care facility must not exceed 25 percent of the gross operating costs of the individual day-care facility or of the average gross operating costs in similar day-care facilities in the municipality. Therefore, the subsidy granted by the local councils must account for at least 75 percent of the gross costs of operating the individual day-care facility or of the average gross costs of operating similar day-care facilities in the municipality.

Parents with a low-income are granted a partial or full reduction of their payment for a place in a day-care facility. The reduction is subsidised by the local council. Irrespective of their level of income, parents with more than one child in a day-care facility receive a reduction in their payments. Parents are required to pay

the full price for the most expensive day-care place and up to 50 percent for the cheapest place. In addition, parents may receive special subsidies towards the payment for a day-care facility that provides treatment or special socio-pedagogical measures. Treatment given in day-care facilities for children with considerable or permanent reduced physical or mental capacity is also subsidised. In addition, subsidies are granted when a place in a day-care facility is considered necessary for social or pedagogical reasons and the payment constitutes a hindrance for a child to attend and remain in the day-care facility.

Objectives and obligations

All day-care facilities must support children's learning and welfare. The overall objective is to ensure that all day-care facilities offer a physical, mental and aesthetic child environment that supports the welfare, development and learning of the children. In cooperation with the parents, day-care facilities must provide overall care for the children as well as support the comprehensive development and self-respect of the individual child. The aim is to contribute towards giving every child a good and safe upbringing.

The day-care facilities must prepare a pedagogical curriculum including local set out targets for the children's learning within six central

y determined themes (a description of the six themes is included below under legal initiatives). Through experiences, play and activities planned with an educational goal and offering the children the opportunity of immersion, exploration and experience, the day-care facilities must promote the children's learning and development of competencies. The day-care facilities must afford all children a sense of co-determination, co-responsibility and understanding of democracy while ensuring an increased focus on children with special needs.

Language skills

Children in day-care facilities who may experience potential language difficulties must undergo a language assessment. All children not attending a day-care facility must also undergo a language assessment. Parents are obligated to agree to their child undergoing the language assessment as well as any subsequent initiatives required to follow-up on the language assessment. The language assessment and language stimulation are designed to ensure that all children receive adequate support in their language development, allowing all children to achieve good and appropriate language competencies.

Transition from day-care facilities to school

In cooperation with the parents, day-care facilities must ensure a sound transition from the day-care facility to school for every child by developing and supporting the child's fundamental competencies and desire to

learn. Day-care facilities also cooperate with the schools to ensure a secure and coherent transition between school and after-school activities for every child.

Legal initiatives in regards to day-care (1 January 2014 – 31 December 2017)

The development of the revised and strengthened pedagogical curriculum

In 2016, the challenges and possibilities in terms of developing the pedagogical curriculum were discussed. Furthermore, a group of experts described a common understanding of a pedagogical foundation of Early Childhood and Education (ECEC), which stipulate the characteristics of Danish ECEC. How to work with as well as evaluate updated curriculum themes were also described together with some broad goals for learning, focusing on the learning environment and children's learning.

The pedagogical curriculum covers six different themes that support a broad concept of learning and is based on a pedagogical foundation that cuts across all six themes. Work involving the curriculum themes should include considerations and reflections based on the concepts of pedagogical foundation. The six themes are:

1. Versatile personal development
2. Social development
3. Communication and language
4. Body, senses and movement
5. Culture, aesthetics and community
6. Nature, outdoor life and science

The concepts listed below constitute a common pedagogical foundation and understanding as well as a starting point for working with the six themes:

- The view of children
- Formation
- Play
- Children's communities
- Learning
- Learning environments
- Collaboration with parents
- Children in vulnerable positions
- Transitions

Tabel 1

Number of children in day care and institutions – from 2014

	Day care	Institutions	Total
Total	41,084	247,248	288,332
0-2 years old	40,610	73,706	114,316
3-5 years old	474	173,542	174,016

Source: Statistics Denmark

More than 97% of all children between the ages of three and five attend a daycare facility. The percentages of children attending the daycare facilities at the age of 1-5 year olds have remained stable.

Tabel 2

The percentage of children attending day care facilities

	2015	2016
0 years old	10,3	9,7
1-2 years old	87,9	86,5
3-5 years old	97,7	97,7

Source: Statistics Denmark

ECEC agreement

In June 2017 a political agreement in the area of ECEC was reached. The agreement consists of 24 different initiatives collected in the following three parts:

- *Enhancement of flexibility and free choice for families:*
This part of the agreement consists of eight different initiatives and aims to improve the flexibility for families enhancing their free choice and give better insight into the content of ECEC options. One initiative involves the option of combining a part-time ECEC facility with the possibility of receiving a subsidy for hiring a child minder. For example if parents work late hours.
- *Improvement of the learning and well-being of all children and a cohesive child life*
An important goal in the agreement is to make a real and positive difference for all children in ECEC. Therefore, the second part of the agreement consists of eleven different initiatives aimed at creating good, secure and well-developed pedagogical learning environments for children. In

addition, initiatives are included to strengthen the transition between the home and the ECEC facility as well as the ECEC facility and the school.

- *High quality of ECEC through professionalism and leadership*

ECEC practitioners should receive support to implement the pedagogical curriculum and have easy access to knowledge, on for example how to create good learning environments. The third part of the agreement consists of five different initiatives aimed at securing a real difference for the children and staff in the day-care facilities, including the development of new teaching material.

Language assessment and democratic focus

An amendment to the Act on Day-care entered into force 1 July 2017 and consists of three overall parts:

- *Language assessment*

The municipality is responsible for carrying out a language assessment of all children (from age three), when a child experiences language difficulties. If a child is not enrolled in an ECEC facility, then the child must undergo a language assessment regardless of potential difficulties. To strengthen the use and effect of any required early measures, the municipalities have the opportunity to carry out the language assessment when a child turns two years old. Furthermore, all bilingual children aged two and older who are not enrolled in an ECEC facility and need language stimulation, must be enrolled in and attend an ECEC facility for thirty hours a week, with a focus on language stimulation. If the parents refuse to have the child participate in the language assessment or enrol their child in the ECEC facility and attend for the thirty weekly hours, they can receive child benefit sanctions.

- *Danish as the spoken language and a focus on participation in decision-making, co-responsibility and an understanding of democracy*

In private child, minding arrangements the spoken language must primarily be Danish. The childcare must be organized in a way that ensures a focus on participation in decision-making, co-responsibility and understanding of democracy. Moreover, the private child minding arrangement shall contribute towards developing the children's independence and ability to engage in communities as well as a solidarity with and integration into Danish society.

- *Other Danish language requirements*

In Denmark, parents can apply for subsidies if they choose to keep their child home until the child reaches school age. The parent staying home with the child must document that he or she has a proficient level of Danish language skills to be eligible to receive the subsidy. EU/EØS citizens are exempt.

Housing Area

The Committee notes from the comments submitted by Danish Institute for Human Rights' (DIHR) that the policies for improving living conditions in the challenged social housing neighborhoods have the inverse effect of preventing vulnerable tenants from moving into these neighborhoods. The Committee therefore asks the next report to indicate what steps are being taken to remedy this situation. Social housing is regulated through The Danish Act on Social Housing etc.

Social housing in Denmark is open to the entire population irrespective of income or access to economic resources, but has a special task in providing decent housing for vulnerable groups with low income. As a main rule, social housing is let to tenants through waiting lists and every individual is entitled to put his or her name on the waiting list. Generally, the waiting list is administered by seniority. In addition to this, the local authorities are obliged to provide special housing for elderly people and persons with disabilities and to shelter homeless people.

In order to ensure social housing for vulnerable groups, the local authorities have an unconditional right to administer of 25 percent of all vacant dwellings in social housing. Thus, the local authority can allocate a vacant social housing dwelling in the municipality to a person or family, who needs a place to live. The waiting lists are administered by the non-profit housing organizations that are under inspection by the local authorities.

The total number of social housing units in Denmark is approx. 600,000, which amounts to 22 percent of the total number of dwellings. Out of the total number, 495,000 are family dwellings.

The local authorities plan and organize the building of social housing and other housing in the municipality according to the local needs and structures. In carrying out this function, the local authorities can make use of the provisions in the Danish Act on Social Housing etc.

The municipalities make commitments to support the construction of new social housing, and thus decide the number of new social housing divisions to be constructed.

Since 2008, the acquisition price for social housing has been financed as follows:

- Tenants' lease premiums
- Municipal basic capital
- Mortgage loans (subsidized by the State)

Further subsidies are granted to ensure that resident payments in social dwellings for students and other young persons can be kept low.

A ceiling has been imposed on acquisition costs. This cost ceiling came into effect on 1 January 2004 with the purpose of avoiding too expensive housing, by establishing an upper limit for the acquisition cost. The aim is to maintain rents at a reasonable level.

The municipality provides basic capital loans that cover 10 percent of the acquisition costs. The loans are interest-free as well as amortization-free in up to 50 years.

Reducing and Differentiating the Basic Capital

As part of the agreement on local finances for 2019, the Danish Government and Local Government Denmark (Kommunernes Landsforening) agreed to support the municipalities to pursue an active housing policy by reducing the local basic capital from 14 to 10 percent of the acquisition costs in 2019 and 2020. To promote affordable and smaller dwellings the basic capital will depend on the average size of the dwellings. The basic capital will be 8 percent if the average dwelling is below 90 square meters and 12 percent if the average dwelling is larger than 105 square meters.

The size of the basic capital loan is of major significance to the scale of operations and is used as an overall management tool.

On this basis it is expected, that the municipalities will grant subsidies to the construction of smaller and more affordable public housings in 2019 and 2020.

From 1 January 2014 until 31 December 2017 approx. 9,000 social housing family dwellings has been constructed or are under construction.

The rent in the social housing family dwellings is kept relatively low due to the public subsidy described above.

Extra state subsidy to build small family housing

In 2016 some EUR 85,8 million were granted to support municipality expenses to basic capital. The reason for the extra subsidy was the high number of refugees coming to Denmark in 2015 and the need for small, affordable housing for the refugees. The extra state subsidy made it possible to build more than 8,000 dwellings with very low cost for the municipalities. At least half of the dwellings in each estate must be smaller than 55 square meters and municipalities have the right to administer 100 percent of the dwellings. The dwellings can be let to refugees as well as other citizens in need of housing.

The municipalities assessed the need for these dwellings and they will build some 3,200 dwellings with extra state subsidy to basic capital.

Forced Evictions

According to the Consolidation Act on Rent all tenants in dwellings in non-profit housing organizations as well as private rental dwellings, are protected against eviction. This means, that tenants have security of tenure as long as they comply with the terms of the lease.

The lease may be terminated if the tenant fails to pay the required rent, and persons who are subject to forced eviction are most often persons who do not pay their rents.

In 2007 and 2009, the Danish Government introduced a range of initiatives regarding the problem of forced eviction in dwellings in non-profit housing organizations and private rental dwellings. To prevent forced evictions of tenants the property owner and the municipalities are obliged to assess how eviction of tenants may be prevented in case of default of punctual payment of rent.

The Danish National Centre for Social Research carried out an analysis on forced evictions in Denmark in 2008². The analysis concludes that the main reasons for eviction of tenants are low income, low disposable income, large debts, a relatively large proportion of income spent on rent, and poor financial management. Tenants with an ethnic background other than Danish have a slightly larger risk of being evicted compared to tenants with a Danish background. Other groups with an increased risk of being evicted are recipients of benefits from the municipality, single men, single mothers, young people and tenants with a short training/education.

² Hvorfor lejere bliver sat ud af deres boliger og konsekvenserne af en udsættelse” by Christensen, Gunvor, and Nielsen, Torben Heien, The Danish National Centre for Social Research, April 2008

According to the analysis, no specific groups, e.g. ethnic minorities, are particularly affected by forced eviction and therefore no specific measures have been taken to prevent discrimination.

The municipalities were involved in cases of previous overdue payment and with the legislative changes in 2009; they were given a number of instruments to prevent evictions.

During the period 1 January 2010 to 31 December 2013, the Danish Government has taken a number of measures to prevent eviction of tenants. The Danish Ministry of Social Affairs conducted a very detailed information campaign aimed at tenants and municipalities in 2010. Consequently, hereof a comprehensive guide to the different possibilities of helping tenants to avoid eviction was made for the municipalities.

As of 1 January 2012, the government increased the financial aid for certain groups of people as a way to improve their possibilities of paying the rent.

In 2011 and 2012, the government provided financial support for hiring counsellors in some social housing areas. The counsellors visit tenants whose rent is overdue and advise them on how to ensure payment of rent in the future as well as the possibilities of financial aid and other social services. This kind of advice seems to be an effective way to reduce the number of evictions.

As of 1 January 2013 the date for due payment of rent according to the Consolidation Act on Rent was moved forward, so the rent has to be paid very shortly after the tenant's receipt of his or her monthly income.

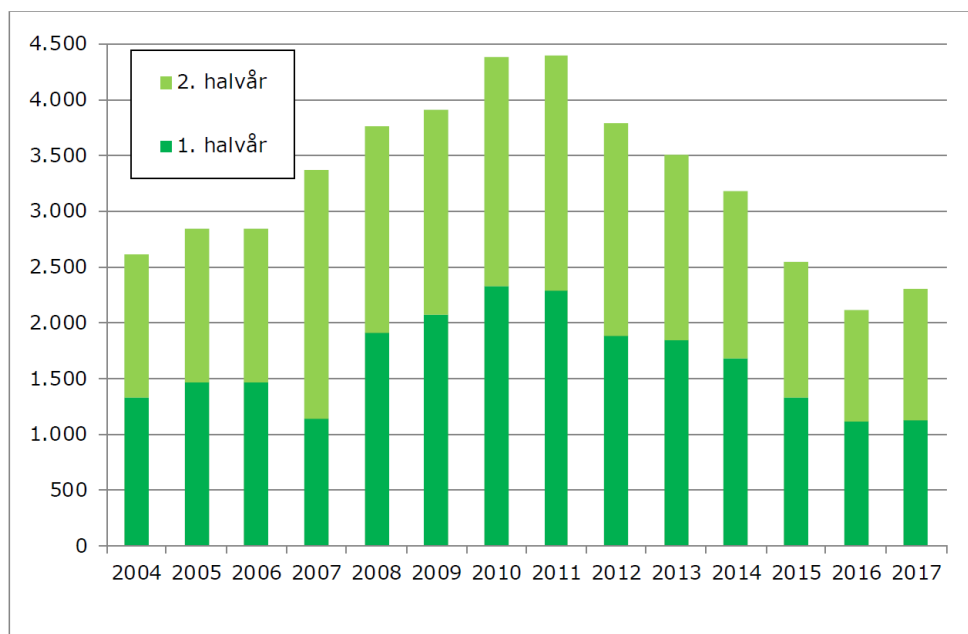
At the same time, the government improved the opportunities for the municipalities to provide financial aid for rent payment, if it can prevent eviction. Financial aid may be provided temporarily.

The municipalities play a very important part in the efforts to prevent eviction of tenants. In 2016, the ministry responsible for housing once again sent a very detailed guide to every municipality about all the different possibilities to help tenants to avoid eviction.

In 2016 and 2017, the government provided further financial support for hiring counsellors in more social housing areas. This kind of counselling, where the counsellor visits tenants, who are in arrears with the rent, certainly is a very effective way to prevent eviction of tenants and many of the non-profit housing organizations fund such counselling themselves.

According to the records of the Danish Court Administration, the total number of forced evictions, due to payment default, increased from 2.614 evictions in 2004 to 4.405 in 2011. In the period 2012 – 2016, the number of evictions dropped to 2.115 in 2016. There was a rise in 2017, where the number of evictions was 2.306.

Recorded number of forced evictions in Denmark during the period 2004 to 2017 (Source: Danish Court Administration)



Inverse effect of policies for improving living conditions in the challenged social housing neighborhoods

In Denmark, a number of social housing neighborhoods have a concentration of residents with social problems, low education, low income and foreign background, which leads to isolation from the rest of the society.

It is a major objective for the Danish government to integrate these neighborhoods into the rest of the society. One of the most important instruments to pursue this objective is to give priority to for example people in employment when letting vacant dwellings in these neighborhoods.

In assessing vulnerable groups access to social housing one must bear in mind, that the social housing sector in Denmark consist of 495,000 family dwellings or 22 percent of all dwellings in Denmark and only approximately 10 percent of these dwellings are in challenged social housing neighborhoods. Moreover,

the municipality's right to administer 25 percent of all vacant social housing dwellings is a sufficient instrument to secure vulnerable groups access to housing.

The government's focus is to ensure that the social housing sector provides dwellings that are suitable to vulnerable group's needs. The agreement with Local Government Denmark to introduce economic incentives to build smaller dwellings as well as the special state subsidy to basic capital in 2016 are expected to lead to less expensive new dwellings.

Protection against unlawful eviction

If a tenant does not pay the rent, the property owner can evict the tenant. In Denmark, there is a legal protection for persons under threat of being evicted. According to the law, rent is due for payment on the first of the month. The property owner may charge for the payment of rent three working days after the rent is due for payment. This reminder must indicate the due amount, and that the rental agreement can be terminated, if the tenant does not pay. The tenant must be given 14 days from receipt of the reminder to pay the due amount.

If the tenant does not pay the due rent within the 14 days, the rental agreement can be terminated. The property owner sends a letter explaining this to the tenant, and then the tenant has to move as soon as possible.

If the rental agreement has been cancelled, and if the tenant does not move, the property owner may ask the bailiff to help to evict the tenant.

Most evictions happen in social housing areas. In order to ensure that the municipality is involved in a case of due rent as early as possible, there are rules which have been introduced to ensure, that the municipality will be informed, when a tenant in a general residential area has fallen behind with the rent. The property owner has to send a notification to the municipality at the same time, as the case is sent to the court (the bailiff).

When it is a family with children or a particularly vulnerable person, who has fallen behind with the rent, the municipality must decide within 14 days, whether the municipality can help the tenant. In other cases,

the municipality writes to the tenant in order to inform the tenant that the tenant can contact the municipality.

If the rent is still not paid and an eviction cannot be prevented, the court will send another notification to the municipality.

On this basis, it can be concluded that there is a high level of protection against unlawful eviction in Denmark.

Roma families

As a principal rule, social housing dwellings are let to tenants through waiting lists and all individuals, including inhabitants with a Roma background, are entitled to put his or her name on the waiting list. Generally, the waiting list is administered by seniority, i.e. everybody has equal rights getting access to an inexpensive vacant dwelling.

Statistical data on Roma in Denmark is not available, since the ethnic origin of persons is not registered in Denmark.

The National Danish Civil Registration System (CRS) only contains basic, fundamental personal data i.e. name, address, marital status, nationality etc. about every person, who is legally residing in Denmark. The data content of the CRS does not include ethnicity. There are no plans to include data concerning ethnicity in the CRS, since the registration of ethnicity is not considered to be in accordance with the purpose of the CRS. For example it is not registered how many Roma families live in a social housing dwelling in Denmark or how many are on a waiting list or have asked the municipality for help.

The Council of Europe estimates that the number of persons with Roma background lies between 1,500 and 10,000 persons in Denmark. One source (The NGO Danish Refugee Council) estimates that 2,000 Roma are living in Denmark.

The proportion of Roma in Denmark is less than 0.1 percent of the total population according to the Commission's Communication on Roma Inclusion.

No special measures are taken to secure a right to housing for Roma families, since they benefit from the same rights as everybody else according to the Social Housing Act.

There is no information on the situation in practice regarding access to housing for Roma families. This should be seen in the context that Roma families do not have special problems in finding housing. Furthermore, there are vacant social housing dwellings in Denmark, and individuals with Roma background can, as any other individual, sign up and immediately move into one of these vacant dwellings.

Legal protection of families

The Committee asks the next report to indicate whether steps are taken to ensure a uniform and effective handling of cases about domestic violence in all police districts.

Denmark amended the criminal code just before the reporting period, with Act number 633 of 12 June 2013, with the purpose of modernizing the penal provisions regarding sexual offenses. This amendment extended the scope of the provision on rape in Section 216 of the Criminal Code to include, inter alia, any intercourse with a child under 12 years old.

Launched initiatives and steps taken to ensure a uniform and effective handling of cases about domestic violence in all police districts

In March 2016, the Danish Ministry of Justice and the Ministry of Education launched a shared initiative called “Stop Stalking”. The initiative aimed to gain a better knowledge on the extent of violence and harassment related to stalking and to initiate an act that provides the police with the authority to immediately remove an aggressor in case of well-founded assumption that he or she has and will harass another person.

Following the initiative “Stop Stalking”, the Act on immediate restraining order and suspension was adopted and came into force on 1 January 2017. In 2020, the Ministry of Justice will request the Attorney General to provide detailed information on the preliminary handling of these cases in the police districts enabling the provisions and case handling to be evaluated.

Subsequent to the act in January 2017, the National Police issued a notice of guidelines for the practical handling of cases regarding stalking and harassment. The guidelines aim to ensure a uniform and effective handling of these cases in all police districts. Furthermore, the National Police regularly engages in dialogue with the police districts to ensure compliance with the guidelines.

Additionally, the Danish Minister of Justice has recently taken steps to appoint a panel of experts within the area of sexual assault and abuse in order to gain further knowledge and recommendations within the area. The panel is expected to provide its first recommendations in the late fall of 2018.

Article 17 – The right of mothers and children to social and economic protection

Article 17

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the contracting parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

This section provides an update on the area since the 37rd report.

Family law

Legislative Changes

Since 1 January 2014, the following changes have been made to the Danish family law:

- *Parental responsibility*
The Act on Parental Responsibility was amended in 2015 and 2016. First, to promote the active and loyal participation of both parents in cases regarding access to a child. Secondly, to promote the best interest of the child in cases regarding custody, where one parent has caused the death of the other parent, and regarding transfer of custody to unmarried cohabitantes.
- *Marriage, separation and divorce*
In 2014, the Act on the Formation and Dissolution of Marriage was amended regarding the rules concerning divorce in cases involving violence or sexual offence.
According to Danish law, a person under the age of 18 may not enter into marriage. Pursuant to an amendment in 2017 to the Act on the Formation and Dissolution of Marriage the possibility to derogate from the age requirement was removed, and the rules regarding recognition of foreign marriages between parties under the age of 18, were changed.
- *Legal effects of marriage*
In 2017, the Act on Legal Effects of Marriage was repealed, and the Act on the financial affairs of spouses was passed. The purpose was to modernize the rules in the Act on Legal Effects of Marriage and create a simple and predictable system. At the same time, all material provisions on the financial affairs of spouses, in particular provisions on the sharing of assets, was collected in the new Act.
- *Adoption*
Pursuant to an amendment in 2014 to the Danish Adoption Act, it became possible for unmarried cohabitantes – regardless of gender – to adopt together.

In 2015, the Act was amended to secure international adoption services to Denmark, and to support the necessary stability in the adoption system, while increasing the security in relation to the adoptions that are granted. Previously the same year the Act was amended in order to strengthen the intentions underlying the rules for adoption without consent.

- *New Family Law system*

In March 2018, the Danish Government concluded an agreement for a new Family Law system. The agreement establishes one clear entrance for families in divorce, to a system – the Family Law House – in which the different elements of a break-up or divorce can be handled in a comprehensive manner. The aims of the agreement are to prevent the delay of proceedings, avoid children from being caught in conflicts for years and prevent families from being shuffled between authorities. The new system is expected to enter into force in 2019.

Violence

Victims of domestic violence have access to an extensive nationwide support system and health care services. Every municipal council has a legal obligation to provide temporary accommodation for women who have experienced violence, threats of violence or any similar crisis in relation to family or marital status. Women may be accompanied by children and receive care and support during their stay. Women staying at women's shelters receive introductory and coordinated counselling, and the municipal council must offer psychological treatment to children accompanying their mother at the shelter. The psychological treatment must have a minimum extent of 4 hours and can be extended to up to 10 hours.

Four national action plans have supplemented the nationwide support system since 2002

Reference is made to the thirty-fourth report regarding article 17 and former action plans concerning domestic violence.

Outcomes of the National Strategy to Combat Violence in Intimate Relations

Rambøll Management Consulting independently evaluated the National Strategy in 2010-2013. The evaluation report concluded the following regarding outcomes of the national strategy:

- Awareness raising efforts have achieved satisfactory exposure.
- Most people are willing to act on a suspicion of Intimate Partner Violence (IPV). 85 percent of the population think that they would confront a friend or colleague if they suspected he or she was a victim of physical violence by a partner.
- Efforts in the action plan have contributed with counselling and treatment to the target groups with previously unsatisfied needs.

- The action plan has contributed to raising the level of knowledge and identifying challenges.

National Action Plan against Violence in the Family and Intimate relations.

In 2014, the Danish Government launched a new National Action Plan against Violence in the Family and in Intimate Relations. The initiatives in this action plan are implemented in the period 2014-2019 and fall within four focus areas:

1. Strengthened handling and accumulation of knowledge about different forms of violence in the family and in intimate relations.
2. Strengthened measures and more knowledge about male victims of violence in the family and in intimate relations.
3. Early measures in relation to young people exposed to dating violence.
4. Increased debate and knowledge about the consequences of violence in intimate relations.

The current action plan is undergoing evaluation by independent experts. The evaluation report will be published in 2019 and will inform future policy making.

An inter-ministerial working group is currently working on mapping the needs for new initiatives to follow up on the action plan.

Other initiatives

In addition to the national action plan against domestic violence, the initiative *“Collective effort to end violence in intimate relations”* (Samlet indsats mod vold i nære relationer) was launched as part of the Rate Adjustment Pool agreements (Satspuljeaftalen) from 2017-2020. The initiative has three main focuses:

- Funding for the Mother's Aid counselling and treatment programs for victims of domestic violence.
- Funding for Dialogue against Violence's treatment programs for perpetrators of domestic violence.
- Establishment of a national unit against violence in intimate relations.

The purpose of the new national unit, which started to function in 2017, is to establish a collective and inclusive approach to violence in intimate relations. The national unit runs a national hotline, offers counseling to men and women exposed to domestic violence and provide information on the different kinds of violence in intimate relations, including both psychological and physical violence. The national unit against violence has adopted the name Live Without Violence (Lev Uden Vold).

The action plans and the collective effort against violence in intimate relations do not stand alone, but complement an extensive nationwide support system. Every municipal council has a legal obligation to provide temporary accommodation for women who have experienced violence, threats of violence or any

similar crisis in relation to family or marital status. Women may be accompanied by their children and receive care and support during their stay. Women staying at women's shelters receive introductory and coordinated counseling, and the municipal council must offer psychological treatment to children accompanying their mother at the shelter.

Men who need help due to violence, divorce, unemployment or similar crisis in relation to family or marital status can contact one of the men's centers. The men's centers provide counseling, group talks, social activities, etc., and some centers offer accommodation.

Stalking

In March 2016, the Government introduced an action plan to prevent stalking. The action plan implements seven initiatives that aim to strengthen the efforts of the police in stalking cases, to ensure that stalking victims receive the utmost professional help and guidance as well as to strengthen the knowledge of stalking among professionals and the general public. One initiative aims to allow for immediate protection of a victim of stalking and harassment by introducing a temporary restraining order which can be applied while a case regarding a restraining order or exclusion order is being processed. To this effect, the Restraining Order Act was amended in December 2016.

Psychological violence

The Government recently announced that it will introduce a separate section concerning psychological violence in the criminal code and take initiative to ensure the police and prosecution service proceedings of such cases. Furthermore, the Government announced that a ministerial working group will be assigned to identify the extent to which new initiatives are needed in this area.

Prevalence of intimate partner violence (IPV)

The National Institute of Public Health in Denmark has presented estimates of the prevalence of IPV among men and women. The estimates are based on data from health interview surveys and data from registers. National Institute of Public Health has published the results of its work in a number of reports. Key figures are;

Estimated prevalence of physical IPV pr. year.		
Year	Women	Men
2017	1,6 %	0,8 %

2010	1,6 %	0,8 %
2005	1,7 %	0,3 %

VIVE – The Danish Center for Social Science Research recently published the first Danish study on the prevalence of psychological violence in Denmark. The study is based on a survey on health and living conditions.

Estimated prevalence of psychological IPV pr. year.		
Year	Women	Men
2012	3,9 %	1,2 %

Data on violence

Reference is made to the thirty-fourth report regarding article 17 and the National Institute of Public Health's (NIPH) report on violence in intimate relations.

The latest NIPH report on violence and sexual offences was published in June 2018³.

Tabel 1

Estimated female and male victims of physical violence in intimate relations (age group 16 and over)

Year	Female	Male
2005	35,000	7,000
2010	36,000	17,000
2017	38,000 (1.6%)	19,000 (0.8%)

Remark - The data shows the estimated number of female and male victims of physical violence in intimate relations during the given year. The latest results from 2017 are based on questionnaires sent to 25,000 persons aged 16 and over and with legal residence in Denmark from 1 January 2017. The estimates are based on 14,022 filled out questionnaires. The report concludes that the number of female victims of physical violence in intimate relations has been relatively stable from 2005 to 2017. In regards to the rise in the number of male victims, the report states that it cannot be determined whether this is due to a real rise or an increase in the openness surrounding male victims of physical violence in intimate relations.

³ https://www.sdu.dk/da/sif/rapporter/2018/vold_og_seksuelle_kraenkelse

Relevant legislation and initiatives

A number of reforms and policy initiatives have been adopted in recent years to ensure early and preventive support for children and young persons and to protect the rights and enhance the quality of care provided for children placed outside the home.

Early and preventive support

'The Preventive Measures Package: Early support – Lifelong effects' was adopted by the Danish Parliament in late 2013 to ensure early and preventive support for disadvantaged children and young people.

- Partnerships between municipalities and the National Board on Social Services on innovating and restructuring the provision of support for children and young people
- Strengthening parental competences through preventive, family-oriented efforts
- Strategic partnerships between municipalities and volunteer organizations on preventive efforts towards disadvantaged children and young people
- Strengthening early support for disadvantaged children in day care
- Extending the municipalities' use of leisure activities as a preventive effort towards disadvantaged children and young people

Additional policy initiatives ('towards an earlier and more effective support (2015)', 'Frame for investing in effective support measures for disadvantaged and vulnerable children and young persons (2016)') have been adopted. It follows up on the 'Preventive Measures Package' and further facilitates the municipalities' provision of early preventive support.

Rights and quality of care for children placed outside the home

'The Act on Social Supervision' came into force January 2014. The Act had several purposes, including to:

- improve the quality of control with social facilities, including placement facilities for children and young persons
- provide a more professionalized and independent social supervision
- ensure systematic use of best knowledge
- ensure results/progression for the citizens

The Act entails that the responsibility for approval of and supervision with social facilities, including placement facilities for children and young persons, was moved from the municipalities to five social supervisory authorities – one in every region in Denmark. The social supervisory authorities are responsible

for supervising the operation of the social facilities. Approval and supervision is conducted according to different quality indicators concerning, for example, education, relations, health etc.

The social supervisory authority shall decide to increase supervision if the conditions at a particular facility so warrants. A decision to increase supervision shall be made for three months at a time. In the context of increased supervision, an enforcement order shall be made. Continued approval is conditional on compliance with the enforcement order.

The social supervisory authorities also have a whistle-blower arrangement allowing anyone to contact them anonymously with information on worrying conditions in foster families or placement facilities.

'The Act on Adult Responsibility' came into force in January 2017. The act regulates the use of coercive measures against children and young persons placed in care outside the home. The Danish Parliament adopted the act following a set of recommendations from a committee of experts. The committee had been tasked with presenting proposals for a new regulatory framework to enhance the protection of children's rights and integrity.

The act ensures that coercive measure may only be used in exceptional circumstances. Measures adopted shall be necessary, lawful and proportional to the aim in question. Coercive measures shall be employed as briefly and carefully as possible and with the greatest possible consideration for the child or young person's integrity. Violence, fixation and humiliating or other degrading treatment is strictly prohibited.

The 'Better Quality in Foster Families' agreement from 2017 allocated DKK 73.7 million over four years to strengthen the quality of foster families and thus ensure that children placed outside the home receive the care and support they need. The agreement consists of five main elements:

- The introduction of three new types of foster families to better match the varying needs of children placed outside the home
- The discontinuation of the municipalities' ability to approve a foster family for the care of a specific child, leaving the approval authority solely to the social supervisory authorities for all foster families except network foster families
- Reorganisation of the training and support given to foster families so that the majority of it is received during the beginning of the child's placement where the need is perceived to be most prominent
- Standardised approval of potential foster families including a national introductory course attended as part of the approval process
- Easing of the expense reimbursement process for network foster families

Protection of children's rights

In 2017, 'The Children's rights package' allocated DKK 24 million over a four-year period to enhance the protection of children's rights and prevent ill-treatment and abuse of children. Specifically, the package consists of four initiatives:

- Strengthening of early detection of and rapid reaction to cases of ill-treatment with a specific focus on young children aged 0-6 years old. The project is carried out by the National Board of Social Services and targets nursery teachers, health visitors and other relevant personnel in a number of municipalities. Experiences from the courses will afterwards be disseminated to other municipalities.
- Strengthening of the inclusion of children in their own social cases in compliance with the principle of children's right to be heard. The project is carried out by the National Board of Social Services in collaboration with the NGO Children's Welfare and targets leaders and caseworkers in a number of municipalities.
- Permanent funding is allocated to ensure longer opening hours for the toll free hotline "the Children's Phone" which is run by the NGO Children's Welfare. Volunteers with relevant educational background who offer advice for children and young people on all kinds of problems, including cases of abuse, operate the service. The service is open every day all year between 11 a.m. and 2 a.m. The caller may remain anonymous if he or she wishes and the calls will not be listed on phone bills.
- An initiative to strengthen children's knowledge of their own rights with a particular focus on the right to be protected from abuse. Campaign activities and education sessions will be carried out by the NGO Save the Children Denmark to strengthen the knowledge among school children about their right to be protected from abuse and ways to receive help if they experience abuse.

Statistics

Table 1

Number of children and young persons placed in out-of-home care

	2011	2012	2013	2014	2015	2016
Total	12.891	12.744	12.410	12.071	11.853	11.895

Note: The number of children and young persons, 0-17 years old, placed in out-of-home care per 31st December.

Source: Statistics Denmark, <http://www.statistikbanken.dk/ANBAAR3>

Table 2**Percentages of children and young persons placed in foster family care and residential care**

	2011	2012	2013	2014	2015	2016
	----- Pct. -----					
Foster family care	55,9	58,1	59,9	61,5	63,1	63,9
Residential care	44,1	41,9	40,1	38,5	36,9	36,1

Note: The percentages of children and young persons, 0-17 years old, placed in foster family care and residential care per 31st December. "Residential care" covers residential institutions and accommodation facilities for children and young persons.

Source: Statistics Denmark, <http://www.statistikbanken.dk/ANBAAR3>